

**RESOLUTION GRANTING THIRD ROUND SUBSTANTIVE CERTIFICATION No. 49-09**

**Rockleigh Borough, Bergen County**

WHEREAS, Rockleigh Borough, Bergen County, petitioned the Council on Affordable Housing (COAH) for substantive certification of a Housing Element and Fair Share Plan addressing its total 1987-2018 affordable housing obligation on December 31, 2008; and

WHEREAS, pursuant to N.J.S.A. 52:27D-313 and N.J.A.C. 5:96-3.5, on May 30, 2009, Rockleigh Borough published notice of its petition in the Record, which is a newspaper of general circulation within the county; and

WHEREAS, no objections to the plan were received by COAH during the 45-day objection period, which ended July 31, 2009; and

WHEREAS, Rockleigh Borough's fair share plan addresses a total 1987-2018 affordable housing obligation of 28 units, consisting of a one-unit rehabilitation share, 12-unit prior round obligation and a 15-unit adjusted projected growth share obligation pursuant to N.J.A.C. 5:97; and

WHEREAS, after a review of the Borough's Housing Element and Fair Share Plan, COAH issued a Report Requesting Additional Information (RRAI) on August 19, 2009; and

WHEREAS, the Borough addressed COAH's request for additional information in its response to the RRAI, received by COAH on October 23, 2009; and

WHEREAS, the Borough submitted a revised growth projection adjustment request, revised accessory apartment ordinance and a revised plan to address its potential growth share opportunities of 16 units; and

WHEREAS, Rockleigh Borough proposes to address its one-unit rehabilitation share through Bergen County's Home Improvement program; and

WHEREAS, Rockleigh received an adjustment due to the 20 percent cap pursuant to N.J.A.C. 5:97-5.5 that resulted in a reduced prior round obligation of 12 units; and

WHEREAS, Rockleigh proposes to address its prior round obligation with five credits from a previously approved Regional Contribution Agreement (RCA) with Jersey City and four credits and three rental bonuses from a Spectrum for Living group home; and

WHEREAS, Rockleigh proposes to address its 15-unit projected growth share obligation with 12 credits from the Spectrum for Living group home and eight units from an accessory apartment program; and

WHEREAS, the Borough proposes to address its potential growth share opportunities with surplus units from the Spectrum for Living group home and accessory apartment program; and

WHEREAS, COAH staff has reviewed the Borough's Housing Element and Fair Share Plan, which is incorporated by reference herein; and

WHEREAS, pursuant to N.J.A.C. 5:97-3.2(a)5, Rockleigh has submitted all information and documentation required by N.J.A.C. 5:97-6.8 and N.J.A.C. 5:97-6.10; and

WHEREAS, pursuant to N.J.A.C. 5:96-6.2(a)2, on October 27, 2009, COAH issued a Compliance Report (attached as Exhibit A and incorporated by reference herein) recommending approval of Rockleigh Borough's petition for third round substantive certification; and

WHEREAS, there was a 14-day period to submit comments to the COAH Compliance Report pursuant to N.J.A.C. 5:96-6.2(b) and no comments were submitted.

NOW THEREFORE BE IT RESOLVED that the Housing Element and Fair Share Plan submitted by Rockleigh Borough comports to the standards set forth at N.J.S.A. 52:27D-314 and meets the criteria for third round substantive certification pursuant to N.J.A.C. 5:96-6.3; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.2(a), after having reviewed and considered all of the above, COAH hereby grants third round substantive certification to Rockleigh Borough; and

BE IT FURTHER RESOLVED that after receiving final substantive certification, pursuant to N.J.A.C. 5:96-6.3(e), Rockleigh Borough shall adopt all implementing Fair Share Ordinances within 45 days of this grant of substantive certification; and

BE IT FURTHER RESOLVED if Rockleigh Borough fails to timely adopt its Fair Share Ordinances, COAH's grant of substantive certification shall be void and of no force and effect; and

BE IT FURTHER RESOLVED that Rockleigh shall submit all Fair Share Ordinances to COAH upon adoption; and

BE IT FURTHER RESOLVED that Rockleigh shall comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting Rockleigh's actual growth pursuant to N.J.A.C. 5:97-2.5; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-10.1, COAH shall conduct biennial plan evaluations upon substantive certification of Rockleigh's Housing Element and Fair Share Plan to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing; and

BE IT FURTHER RESOLVED that if upon any biennial review the difference between the number of affordable units constructed or provided in Rockleigh and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a prorated production shortage of 10 percent or

greater, the Borough is not adhering to its implementation schedule pursuant to N.J.A.C. 5:97-3.2(a)4, or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, the Council may direct the municipality to amend its plan to address the shortfall; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-2.5(e), if the actual growth share obligation determined is less than the projected growth share obligation, Rockleigh shall continue to provide a realistic opportunity for affordable housing to address the projected growth share; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(b), Rockleigh's substantive certification shall remain in effect until December 31, 2018; and

BE IT FURTHER RESOLVED that any changes to the facts upon which this substantive certification is based or any deviations from the terms and conditions of this substantive certification which affect the ability of Rockleigh Borough to provide for the realistic opportunity of its fair share of low and moderate income housing and which the Borough fails to remedy, may render this certification null and void.

I hereby certify that this resolution was  
duly adopted by the Council on Affordable  
Housing at its public meeting on November 12, 2009

A handwritten signature in black ink, reading "Renee Reiss". The signature is written in a cursive, flowing style with a large initial "R".

Renee Reiss, Secretary  
Council on Affordable Housing



# **Council on Affordable Housing Compliance Report October 23, 2009**



**Municipality:** Rockleigh Borough  
**County:** Bergen County

**COAH Region:** 1  
**Planning Area:** 1  
**Special Resource Area:** N/A

**Housing Element and Fair Share Plan Adopted:** December 9, 2008  
**Petition for 3<sup>rd</sup> Round Substantive Certification:** December 31, 2008  
**Completeness Determination:** May 27, 2009  
**Date of Publication:** May 30, 2009

**Objections Received:** No

**Petition Includes:**  
**VLA:** Yes (20 Percent Cap)  
**GPA:** Yes  
**Waiver:** No                      **Section:** N/A

**Date of Site Visit:** July 10, 2009

<b>History of Approvals:</b>	<b>COAH</b>	<b>JOC</b>	<b>N/A</b>
<b>First Round:</b>	September 4, 1991		
<b>Second Round:</b>	November 4, 1998		
<b>Extended Certification:</b>	April 13, 2005		

**Plan Preparer:** Kendra Lelie, P.P., A.I.C.P. – Planning Design Collaborative

**Municipal Housing Liaison:** William Mcguire, Clerk/Administrator

**Recommendation:** Grant Substantive Certification

**SUMMARY OF FAIR SHARE OBLIGATION**

Rehabilitation Share	1
Prior Round Obligation	12
Adjusted Projected Growth Share Obligation	15 <sup>1</sup>

**ACTUAL GROWTH and GROWTH SHARE through September 30, 2008<sup>2</sup>**

Res Units (#)	Actual Res Growth Share	Jobs (#)	Actual Non-Res Growth Share	Actual TOTAL Growth Share
1	0.2 units	150	9.4 units	10 units

**COMPLIANCE PLAN SUMMARY**

Obligation	Credit/ Mechanism Type	No. Units Completed	No. Units Proposed	TOTAL
<b>Rehabilitation: 1 unit</b>				
<b>Credits</b>	Post-April 1, 2000	0		0
<b>Program(s)</b>	County		1	1
<b>NEW CONSTRUCTION:</b>				
<b>Prior Round: 12 units</b>				
<b>Credits</b>	Prior Cycle	0		0
	Post-1986	4		4
	RCA	5		5
<b>Proposed Mechanism(s)</b>	N/A		0	0
<b>Prior Round Bonus(es)</b>	Rental	3		3
<b>Prior Round Subtotal</b>				<b>12</b>
<b>Growth Share: 15 units</b>				
<b>Credits</b>	Prior Cycle	0		0
	Post-1986	12		12
<b>Proposed Mechanism(s)</b>	Accessory Apartment Program		10	10
<b>Growth Share Bonus(es)</b>	N/A	0		0
<b>Growth Share Subtotal</b>				<b>22</b>
<b>Surplus</b>				<b>7</b>

<sup>1</sup> Rockleigh proposed an adjustment to the growth projections made by COAH. The result of this adjustment would be a 0-unit adjusted, projected growth share obligation. However, as described in further detail on page four of this report, the Borough categorized a vacant available property as not being in a sewer service area that is approved for 24 residential units and a COAH staff review of the data included in the Borough's Plan results in an adjusted projected growth share obligation of 15 units.

<sup>2</sup> This growth share number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.5; therefore, the actual growth share may vary.

## **I. HOUSING ELEMENT**

Pursuant to N.J.S.A. 40:55D-28(b), the Housing Element is a required section of the Municipal Master Plan. The Housing Element must be designed to achieve the goal of access to affordable housing to meet existing and future housing needs, with special attention given to low- and moderate-income households. The housing needs analysis must include demographic information on existing and projected housing stock and employment characteristics, a quantification of low- and moderate-income housing need, and a consideration of the lands within the municipality that are most appropriate to accommodate such housing. Rockleigh's Housing Element includes sufficient information regarding housing stock, demographic and employment characteristics and population trends pursuant to N.J.S.A. 52:27D-310.

Under N.J.A.C. 5:97-2.1(b), the Housing Element must also set forth the municipality's affordable housing fair share obligation, which is the sum of the rehabilitation share, the prior round obligation and the growth share.

### **A. Rehabilitation Share**

The rehabilitation share is the number of existing housing units within a municipality as of April 1, 2000, that are both deficient and occupied by households of low or moderate income. As indicated in Appendix B of N.J.A.C. 5:97, Rockleigh has a rehabilitation share of one (1) unit.

### **B. Prior Round Obligation**

The prior round obligation is the cumulative 1987-1999 new construction obligation provided in Appendix C of N.J.A.C. 5:97. Rockleigh has a prior round obligation of 84. However, Rockleigh received an adjustment due to the 20 percent cap pursuant to N.J.A.C. 5:97-5.5 that resulted in a reduced prior round obligation of 12 units.

### **C. Projected Growth Share**

The projected growth share is initially calculated based on household (residential) and employment (non-residential) growth projections for 2004 through 2018. Pursuant to Appendix F of N.J.A.C. 5:97, Rockleigh has a residential growth projection of 69 units and a non-residential growth projection of 281 jobs, which results in a projected growth share obligation of 31 units. However, N.J.A.C. 5:97-5.6 permits municipalities to request an adjustment to the growth projections published by COAH. Growth projections adjustments are based on an analysis of municipal capacity to accommodate

residential and non-residential growth through the development of vacant land. Environmental and logistical constraints are subtracted from each vacant parcel identified and any remaining, unconstrained, developable land is presumed to have the capacity to support development based on the densities and non-residential intensities of use outlined in N.J.A.C. 5:97-5.6(e). Sites used to address prior round affordable housing needs are also permitted to be excluded from this inventory to the extent that they produced affordable housing commensurate with COAH's prior round set-aside standards.

Rockleigh included the required Workbook C with its petition for substantive certification which results in an initial projected growth based on actual growth to date and the capacity of remaining unconstrained, developable land. After subtracting the allowable exclusions for sites addressing the prior round obligation, Rockleigh's residential growth projection is reduced to zero units and the non-residential growth projection is reduced to zero jobs. However, upon review of the municipal capacity analysis, noted discrepancies were discussed with the Borough. As an example, COAH staff noted that the Borough categorized a vacant available property as erroneously not being in a sewer service area where the site was approved for 24 residential units. In addition, the Borough excluded three other vacant residential sites that were approved for development and a vacant three-acre non-residential site located within the Borough's sewer service area. The Borough is excluding the vacant three-acre non-residential parcel pursuant to N.J.A.C. 5:97-5.2(d)7, as the site is Borough-owned site and has been precluded from development per its designation in the Borough's Master Plan as "buffer" or open space. As a result of the above-mentioned revisions and other corrections to the Borough's actual growth share, COAH has determined that pursuant to N.J.A.C. 5:97-5.6, the Borough warrants an adjustment to the growth projection published by COAH to 15 units (attached as Appendix A). Therefore, Rockleigh's total projected growth share for the period 1999-2018 is 15 affordable units consisting of a 5.8-unit projected residential growth share and a 9.4-unit projected non-residential growth share.<sup>3</sup>

#### **SUMMARY OF FAIR SHARE OBLIGATION**

Rehabilitation Share	1
Prior Round Obligation	12
(Adjusted) Projected Growth Share Obligation	15

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<sup>3</sup> Pursuant to N.J.A.C. 5:97-2.2(d), Rockleigh's residential growth projection of 29 is divided by 5 to yield 5.8 units and the non-residential growth projection of 150 jobs is divided by 16 to yield 9.4 units. Rockleigh's total projected growth share is therefore 15.2 units (5.8 + 9.4).



## **II. FAIR SHARE PLAN**

A Fair Share Plan, as required under N.J.A.C. 5:97-3.1, describes the completed or proposed mechanisms and funding sources, if applicable, that will be utilized to specifically address a municipality's rehabilitation share, prior round obligation, and growth share obligation and includes the draft ordinances necessary to implement that plan. Affordable housing must be provided in direct proportion to the growth share obligation generated by the actual growth.

Rockleigh's Fair Share Plan, and the supporting documentation incorporated by reference therein, address the requirements of N.J.A.C. 5:97-3.1 as follows:

### **A. Plan to Address Rehabilitation Share**

#### **Rehabilitation Share Credits**

Rockleigh's Housing Element and Fair Share Plan does not include a request for rehabilitation credits.

#### **Proposed Rehabilitation Program(s)**

##### ***Bergen County Home Improvement Program***

Rockleigh will utilize the Bergen County Home Improvement Program to address its one-unit rehabilitation obligation. The Bergen County Home Improvement Program provides loans of up to \$17,500 at a three percent interest rate for homeowner- and renter-occupied single-family homes and up to \$25,000 for homeowner- and renter-occupied two-family units. The County Home Improvement Program complies with N.J.A.C. 5:97-6.2, including requiring the rehabilitation of at least one major system and having the program available to both owner-occupied and renter-occupied units. The County's operating manual and affirmative marketing plan for the administration of the program have been submitted to COAH. Rockleigh must provide sufficient funding to rehabilitate at least one low- or moderate-income unit through the county rehabilitation program by the mid-point of the third round period or by 2013. To ensure that this will occur, Rockleigh has submitted a resolution of intent to bond in the event of any shortfall in funding.

**Proposed Rehabilitation Program(s)**

<b>Rehabilitation Program</b>	<b>No. Units</b>
Bergen County Home Improvement Program	1
<b>TOTAL</b>	<b>1</b>

**B. Plan to Address Prior Round Obligation**

**Prior Round Obligation Credits**

Rockleigh is addressing the prior round obligation with 12 post-1986 credits. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

**Post-1986 Credits**

<b>Project/Development Name</b>	<b>Year Built or Approved</b>	<b>Type of Affordable Unit</b>	<b>No. Units/Bedrooms</b>	<b>Bonus Type</b>	<b>No. Bonuses</b>	<b>Total Units/Bedrooms + Bonuses</b>
Spectrum for Living	1998	Special needs rental	4	Rental	3	7
Jersey City RCA	1991	RCA for-sale	5	N/A	N/A	5
<b>TOTALS</b>			9		3	12

**Proposed Affordable Housing Mechanisms**

Rockleigh is relying on credits and therefore is not proposing any additional affordable housing mechanisms to address its prior round obligation.

**Prior Round Obligation Parameters**

Rockleigh has satisfied the applicable Prior Round parameters as follows:

**Prior Round Rental Obligation:<sup>4</sup> 3 Units**

Development/Project Name	Type of Affordable Unit	No. Units
Spectrum for Living	Special needs	4
<b>TOTAL</b>		<b>4</b>

**Prior Round Age-Restricted Maximum<sup>5</sup> : 2 Units**

Development/Project Name	Type of Affordable Unit	No. Units
N/A	0	0
<b>TOTAL</b>		<b>0</b>

**Regional Contribution Agreement (RCA) Maximum<sup>6</sup>: 5 Units**

Receiving Municipality(s)	Type of Affordable Unit	No. Units
Jersey City RCA	RCA for-sale	5
<b>TOTAL</b>		<b>5</b>

**Prior Round Rental Bonus Maximum<sup>7</sup> : 3 Units**

Development/Project Name	Type of Bonus	No. Bonuses
Spectrum for Living	Rental	3
<b>TOTAL</b>		<b>3</b>

<sup>4</sup> Rental Obligation: Pursuant to N.J.A.C. 5:97-3.10(b)1, the Rental Requirement = 0.25 (Prior Round Obligation – Prior Cycle Credits– Impact of 20 percent cap) or .25(84-0-72)=3 units

<sup>5</sup> Age-Restricted Maximum: Pursuant to N.J.A.C. 5:97-3.10(c)1, the Age-restricted Maximum = 0.25 (Prior Round Obligation + Rehabilitation Share - Prior Cycle Credits – Rehabilitation Credits - Impact of 20 percent cap - Transferred or Proposed RCA Units Addressing the Prior Round Obligation) or .25 (84+1-0-72-5)=2 units

<sup>6</sup> RCA Maximum: Pursuant to N.J.A.C. 5:97-3.11(d)1, the RCA Maximum = 0.5 (Prior Round Obligation + Rehabilitation Share – Prior Cycle Credits – Rehabilitation Credits – Impact of 20 percent cap) or .5(84+1-0-0-72)=3.5 units. Pursuant to N.J.A.C. 5:97-4.1(c), Rockleigh was certified in the prior round for five RCA units.

<sup>7</sup> No rental bonuses shall be granted for rental units in excess of the prior round rental obligation, therefore, PR Rental Bonus Maximum = PR Rental Obligation N.J.A.C. 5:97-3.5

**C. Plan to Address Projected Growth Share**

**Growth Share Obligation Credits**

Rockleigh is addressing 12 units of the projected growth share obligation with 12 units of credit. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

**Post-1986 Credits**

<b>Project/Development Name</b>	<b>Year Built or Approved</b>	<b>Type of Affordable Unit</b>	<b>No. Units/Bedrooms</b>	<b>Bonus Type</b>	<b>No. Bonuses</b>	<b>Total Units/Bedrooms + Bonuses</b>
Spectrum for Living	1998	Special needs rental	12	N/A	0	12
<b>TOTALS</b>			<b>12</b>		<b>0</b>	<b>12</b>

**Proposed Affordable Housing Mechanisms**

Rockleigh proposes to address its remaining growth share obligation through the following mechanisms:

***Accessory Apartment Program***

Rockleigh proposes to establish an accessory apartment program that will create ten accessory apartments by the end of the third round certification period or 2018. Rockleigh proposes to utilize eight of the anticipated units to address its net projected growth share obligation. The Borough proposes to subsidize the units at the minimum \$20,000 for moderate income units and \$25,000 for low-income units permitted pursuant to N.J.A.C. 5:97-6.8. According to the Borough's Housing Element and Fair Share Plan, the Borough's housing stock and land use patterns lend themselves to the provision of accessory apartments as the prevailing zoning is for a minimum lot size of two acres. The Borough has submitted a draft accessory apartment ordinance that complies with N.J.A.C. 5:97-6.8. Rockleigh has submitted a resolution of intent to appropriate funds or to bond in the event of any shortfall in funding for this program. In addition, Rockleigh has submitted the following documentation for the accessory apartment program:

- A draft operating manual that includes a description of the program procedures and administration in accordance with UHAC; and
- A draft resolution/contract designation the New Jersey Housing and Mortgage Agency's Housing Affordability Services (HAS) as the administrative entity for the program.

Rockleigh must execute the contract/resolution and adopt the operating manual no later than 45 days from receipt of substantive certification. [**Ten-Unit Accessory Apartment Program**]

**Proposed Growth Share Affordable Housing Mechanisms**

<b>Type/Name of Affordable Housing Mechanism</b>	<b>Type of Affordable Unit</b>	<b>No. Units/Bedrooms</b>	<b>Bonus Type</b>	<b>No. Bonuses</b>	<b>Total Units/Bedrooms + Bonuses</b>
Accessory Apartment Program	Family rental	10	N/A	0	10
<b>TOTALS</b>		<b>10</b>		<b>0</b>	<b>10</b>

**Potential Growth Share Opportunities**

Pursuant to N.J.A.C. 5:97-5.7, the Borough proposes to utilize surplus accessory apartments created through its accessory apartment program to address growth share opportunities above and beyond its adjusted growth share projection. In addition, surplus group home credits from the Spectrum for Living Facility will also be used to address potential growth share opportunities.

**Growth Share Parameters**

Rockleigh proposes to satisfy the applicable Growth Share parameters as follows:

**Growth Share Rental Obligation:<sup>8</sup> 4 Units**

<b>Development/Project Name</b>	<b>Type of Affordable Unit</b>	<b>No. Units</b>
Spectrum for Living	Special needs rental	12
Accessory Apartment Program	Family rental	10
<b>TOTAL</b>		<b>22</b>

<sup>8</sup> Projected Growth Share Rental Obligation:  $.25(\text{Projected Growth Share})$  or  $.25(15) = 3.8$  or 4 units N.J.A.C. 5:97-3.11(b)2

**Growth Share Family Rental Requirement<sup>9</sup> : 2 Units**

<b>Development/Project Name</b>	<b>Type of Affordable Unit</b>	<b>No. Units</b>
Accessory Apartment Program	Family rental	10
<b>TOTAL</b>		<b>10</b>

**Growth Share Minimum Family Requirement<sup>10</sup> : 8 Units**

<b>Development/Project Name</b>	<b>Type of Affordable Unit</b>	<b>No. Units</b>
Accessory Apartment Program	Family rental	10
<b>TOTAL</b>		<b>10</b>

**Very Low Income Minimum Requirement<sup>11</sup> : 2 Units**

<b>Development/Project Name</b>	<b>Type of Affordable Unit</b>	<b>No. Units</b>
Spectrum for Living	Special needs rental	12
Accessory Apartment Program	Family rental	1
<b>TOTAL</b>		<b>13</b>

**Age-Restricted Maximum<sup>12</sup> : 3 Units**

<b>Development/Project Name</b>	<b>Type of Affordable Unit</b>	<b>No. Units</b>
N/A	N/A	0
<b>TOTAL</b>		<b>0</b>

<sup>9</sup> Projected Growth Share Family Rental Requirement: .5(Projected Growth Share Rental Requirement) or .5(4)= 2 units  
N.J.A.C. 5:97-3.4(b)

<sup>10</sup> Projected Growth Share Family Requirement: .5(Units Addressing the Growth Share Obligation) or .5(15)= 7.5 or 8 units  
N.J.A.C. 5:97-3.9

<sup>11</sup> Growth Share Very Low Income Requirement: .13(growth share) or .13(15)= 1.95 or 2 units pursuant to P.L.2008, c.46

<sup>12</sup> Projected Growth Share Age Restricted Maximum: .25(Projected Growth Share-transferred RCAs addressing Growth Share)  
or .25(15-0)= 3.8 or 3 units N.J.A.C. 5:97-3.11(c)3

**Bonus Maximum<sup>13</sup>: 3 Bonuses**

<b>Development/Project Name</b>	<b>Type of Bonus</b>	<b>No. Bonuses</b>
N/A	N/A	0
<b>TOTAL</b>		<b>0</b>

**Actual Growth Share Obligation**

The actual growth share obligation will be based on permanent certificates of occupancy issued within the municipality for market-rate residential units and newly constructed or expanded non-residential developments in accordance with Appendix D of N.J.A.C. 5:97. At plan evaluation review pursuant to N.J.A.C. 5:96-10, COAH will compare the actual growth share obligation with the actual number of affordable units constructed.

Pursuant to the revised Worksheet C and following a COAH site visit to Rockleigh on July 10, 2009, Rockleigh submitted copies of certificates of occupancy issued for one (1) housing unit and for the non-residential square footage equivalent of 150 jobs, yielding an actual growth share obligation through September 30, 2008, of 9.6 or ten affordable units.<sup>14</sup>

**D. Summary of Plan to Address Fair Share Obligation**

**REHABILITATION SHARE SUMMARY**

**Rehabilitation Share: 1 Unit**

<b>Program Name</b>	<b>No. Units</b>
Bergen County Home Improvement Program	1
<b>TOTAL</b>	<b>1</b>

<sup>13</sup> Projected Bonus Maximum:  $.25(\text{Projected Growth Share})$  or  $.25(15) = 3.8$  or 3 units N.J.A.C. 5:97-3.20

<sup>14</sup> The number of residential COs (1) is initially divided by 5 to yield 0.2 units and the number of jobs (150) is initially divided by 16 to yield 9.4 units. Rockleigh's total actual growth share is therefore 9.6 units (0.2 + 9.4). **Note:** This number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.5; therefore, the actual growth share may vary.

**PRIOR ROUND SUMMARY**  
**Prior Round Obligation: 12 Units**

	<b>Name of Mechanism</b>	<b>No. Units/Bedrooms</b>	<b>Bonus Type</b>	<b>No. Bonuses</b>	<b>Total Units/Bedrooms + Bonuses</b>
<b>Prior Cycle Credits</b>	N/A	0			0
<b>Post-1986 Credits</b>	Spectrum for Living Group Home	4		3	7
	Jersey City RCA	5	N/A	0	5
<b>Subtotal</b>		<b>9</b>		<b>3</b>	
<b>Proposed Mechanisms</b>	N/A	0	N/A	0	0
<b>Subtotal</b>		<b>9</b>		<b>3</b>	
<b>TOTAL</b>					<b>12</b>

**GROWTH SHARE SUMMARY**  
**Projected Growth Share Obligation: 15 Units**

	<b>Name of Mechanism</b>	<b>No. Units/Bedrooms</b>	<b>Bonus Type</b>	<b>No. Bonuses</b>	<b>Total Units/Bedrooms + Bonuses</b>
<b>Prior Cycle Credits</b>	N/A	0			0
<b>Post-1986 Credits</b>	Spectrum for Living	12	N/A	0	12
<b>Subtotal</b>		<b>12</b>		<b>0</b>	
<b>Proposed Mechanisms</b>	Accessory Apartment Program	10	Rental	0	10
<b>Subtotal</b>		<b>22</b>		<b>0</b>	
<b>TOTAL</b>					<b>22</b>
<b>Surplus</b>					<b>7</b>



### **III. FAIR SHARE DOCUMENT REVIEW**

#### **A. Development Fee Ordinance**

Rockleigh submitted a draft development fee ordinance for COAH's review and approval with its third round petition. The development fee ordinance was approved on September 3, 2009.

#### **B. Third Round Spending Plan**

A third round spending plan was submitted by Rockleigh with the Borough's third round petition for COAH's review and approval. The spending plan will be reviewed by COAH in a separate report.

#### **C. Affordable Housing Ordinance/Affordable Housing Administration**

Rockleigh has submitted a draft affordable housing ordinance that comports with the requirements of the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 *et seq.*, which was amended on December 20, 2004. The draft proposed ordinance has been amended to comply with the barrier free subcode of the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 *et seq.*) and the accessibility requirements of N.J.S.A. 52:27D-123.15. The draft ordinance must be adopted within 45 days of COAH's grant of substantive certification and submitted to COAH immediately upon adoption.

An ordinance establishing the position of a municipal housing liaison and a resolution appointing a municipal housing liaison were adopted by the Borough on April 7, 2009.

Rockleigh is responsible for the continued re-sale and re-rental of existing affordable units and the initial sale and rental of newly constructed affordable units within the Borough and must identify an experienced administrative entity for that purpose by contract, agreement or letter. Rockleigh has submitted a draft a contract and resolution designating the New Jersey Housing and Mortgage Finance Agency's HAS division as the administrative entity for the accessory apartment units in its Fair Share Plan, which it must be executed within 45 days of substantive certification. Pursuant to N.J.A.C. 5:80-26.14(b), Rockleigh has submitted a written operating manual for administering affordable units within the Borough, which must be adopted no later than 45 days from the date of substantive certification.

#### **D. Affirmative Marketing Plan**

Rockleigh has submitted an affirmative marketing plan that comports with the requirements of the UHAC and ensures the units in the Borough's 1987-2018 Fair Share Plan and all future affordable housing units will be affirmatively marketed to the region upon initial sale/rental and re-sale/re-rental. Once approved by COAH, the affirmative marketing plan must be adopted by resolution by the Borough within 45 days of COAH's grant of substantive certification and submitted to COAH.

#### **IV. MONITORING**

Rockleigh must comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting the municipality's actual growth pursuant to N.J.A.C. 5:97-2.5. As indicated above, credits for built units will be validated and verified by COAH staff during monitoring prior to the first biennial plan evaluation. It should be noted that credits for affordable housing programs and/or affordable units must be in compliance with N.J.A.C. 5:97-4. If the units are determined not to be eligible for credit, COAH will notify Rockleigh in writing and the Borough may be directed to amend its certified plan to address the shortfall.

Pursuant to N.J.A.C. 5:96-10.1, COAH will conduct biennial plan evaluations upon substantive certification of Rockleigh's Housing Element and Fair Share Plan. The purpose of the plan evaluation is to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing. If upon any biennial review the difference between the number of affordable units constructed or provided in Rockleigh and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a prorated production shortage of 10 percent or greater or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, the Council may direct the municipality to amend its plan to address the shortfall.

#### **V. RECOMMENDATION**

COAH staff recommends that Rockleigh be granted third round substantive certification. Rockleigh must adopt all necessary implementing ordinances within 45 days of the grant of substantive certification and submit certified copies of the adopted ordinances to COAH within seven days of the adoption.

## **APPENDIX A**

Revised Growth Projection Adjustment data for Rockleigh

## **Summary of Adjusted Growth Share Projection Based On Land Capacity**

### **(Introduction to Workbook C)**

**Municipality Name:** **Rockleigh Borough**

This workbook contains two separate worksheets to be used for determining the projected Municipal Growth Share Obligation. Worksheet A must be completed by all municipalities. The Worksheet is a tool that allows the user to enter COAH-generated Growth Projections included in Appendix F(2) of the revised Third Round Rules to determine the projected Growth Share Obligation after applying exclusions permitted by N.J.A.C. 5:97-2.4. Municipalities that accept the COAH-generated Growth projections need only use Worksheet A.

[Click Here to complete Worksheet A](#)

Municipalities seeking to request a downward adjustment to the COAH-generated growth projections may do so by providing a detailed analysis of municipal land capacity. After completing this analysis, the growth projections may be lowered if the resulting growth share obligation results in a figure that is at least 10 percent lower than the projected Growth Share Obligation that would result from the COAH-generated growth projections. Actual growth must first be determined using the Actual Growth worksheet. A growth projection adjustment may only apply to any remaining growth.

[Click Here to Enter Actual Growth to Date](#)

[Click Here to Complete the Residential Parcel Inventory and Capacity Analysis](#)

[Click Here to Complete the Non-residential Parcel Inventory and Capacity Analysis](#)

### **Summary Of Worksheet Comparison**

	<b>COAH Projected Growth Share</b> (From Worksheet A)	<b>Growth Share Based on Municipal Capacity</b> (From Worksheet C)
Residential Growth	69	29
Residential Exclusions	0	0
Net Residential Growth	69	29
Residential Growth Share	13.80	5.80
Non-Residential Growth	281	150
Non-Residential Exclusions	0	0
Net Non- Residential Growth	281	150
Non-Residential Growth Share	17.56	9.38
Total Growth Share	31	15

**The Municipal land capacity analysis results in a reduction to the COAH-generated growth projection. Please file Workbook C and use a Residential Growth Share of 5.8 plus a Non-residential Growth Share of 9.38 for a total Growth Share Obligation of 15 affordable units**